



2026:AHC-LKO:19433

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 2497 of 2014

Gobare And 4 Others

.....Applicant(s)

Versus

State Of U.P. And Anr.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Shamshad Ahmad Khan
Counsel for Opposite Party(s)	: Govt. Advocate, Ramesh Pratap Singh

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard learned Counsel for the applicant and learned A.G.A. No one appeared on behalf of the opposite party no.2 despite notice.
2. The present application has been filed seeking to quash the entire proceedings of Criminal Case No.4204 of 2011 (State vs Ali Ahmad and others) arising out of FIR No.401 of 2011, Police Station Kotwali Nagar, District Gonda as well as the order dated 24.10.2013 whereby, discharge application filed by the applicant was rejected.
3. The facts in brief are that an FIR came to be lodged on 04.05.2011 alleging that a property bearing Gata No.854 was jointly owned by one Jhadu, Sultan, Bismilla and Mangare and were residing in their respective shares. It is also alleged that subsequently, part of the properties were sold by the respective shareholders. In the year 2001, the grandson of Bismilla sold 17 Biswa of his property to one Abdul and his name was mutated in the revenue record and he continued the agriculture activities. It is also alleged that after the death of legal heirs, some of the properties were also sold and the same were mutated. On 04.04.2000, the informant digging her property for construction, the accused came with Lathi Danda and extended threats and informant that half of the property belonged to one

Ali Ahmad. It was further alleged that Ali Ahmad had manipulated the mutation entries in his favour, showing the property as his own. In sum and substance, it was alleged that Ali Ahmad had manipulated the revenue entries and is now harassing the informant and creating obstacles in the construction work.

4. The contention of the Counsel for the applicants is that the FIR was nothing but an abuse of the process of law and discloses the allegations to be civil in nature. It is further argued that the applicants had also filed a civil suit which came to be decreed in their favour ex-parte on 11.02.2018. A recall application has been filed which too has been rejected. It is thus argued that once the rights have been determined in a civil suit, the FIR in question lodged after deciding the suit is nothing but an abuse of the process of law. It is further argued that a charge-sheet came to be filed without there being any material whatsoever. It is further argued that the applicants have filed a discharge application which to has been dismissed.

5. Considering the submissions made at the bar, the FIR in question itself shows that the applicants are trying to interfere in the proposed construction of the informant. The only allegation levelled was with regard to the manipulation of the revenue record, which can be decided only through civil proceedings. The suit in fact was decided in favour of the applicants. No material exists to suggest that the applicants had manipulated any revenue records as alleged. The charge-sheet is also silent with regard to the material collected to suggest the commission of the offence under Sections 467, 471 IPC. No material whatsoever exists to implicate or trying the applicant under Sections 419, 420, 464 or in other sections. Clearly a civil dispute was given a criminal colour that to without any material. The entire proceedings are nothing but an abuse of the process of the law, moreso, the civil revision has also been rejected, as such, I have no hesitation in holding that the entire proceedings initiated are nothing but an abuse of the process of the law.

6. In view of above and following the law as explained in the case of ***State of Haryana Vs. Bhajan Lal:1992 SCC(Cr.) 426***, the entire proceedings of Criminal Case No.4204 of 2011 (State vs Ali Ahmad and

others) arising out of FIR No.401 of 2011, Police Station Kotwali Nagar, District Gonda as against the applicants are quashed.

7. The application is ***allowed***.

(Pankaj Bhatia,J.)

March 17, 2026

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